

about the conduct of the District Attorney in the criminal proceedings in failing to turn over discovery, issues regarding lost evidence, and other claims.

The offending paragraph, wittingly or unwittingly, carries over into this action the apparent antagonism between the District Attorney and Defense Counsel in the criminal proceedings. Even the indirect and incidental injection of such antagonism into this action is highly inappropriate. More importantly, the dispute as to who is responsible for any delay in the criminal proceedings is irrelevant in the consideration of the Motion to Stay.

The Plaintiff should not have to be concerned about documenting for this Court the motions, pleadings and decisions in the criminal proceedings which support her position concerning the cause of the delay there.

Wherefore, the Plaintiff moves that said paragraph be stricken.

Respectfully submitted,
s/Kenneth A. Sweder

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